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April 25, 2018

**VIA ECF**

United States District Judge Kimba M. Wood  
United States District Court for the Southern  
District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *Michael D. Cohen v. United States of America*, 18-MJ-3161 (KMW)

Dear Judge Wood:

We represent plaintiff Michael D. Cohen (“Mr. Cohen”) in the above-referenced matter. We write in response to the April 24, 2018 Order requesting further information about the resources available for an expeditious review of the materials seized on April 9, 2018 (“Seized Material”). As set forth in detail below, our law firm, McDermott Will & Emery LLP (“McDermott”), has a large in-house Discovery Center, and is well-equipped to conduct this review in an expeditious manner. We continue to believe the fastest and most efficient way to protect documents covered by the attorney-client privilege and work product doctrine is to appoint a Special Master to address any disagreement over claims of privilege.

**1. Efforts Since Our Last Court Appearance**

Since the hearing on April 16, 2018, we have consulted closely with our Discovery Center to prepare for the review of the Seized Materials. The Discovery Center is a separate practice area within McDermott that handles document review and discovery needs for a wide variety of large-scale matters. The Discovery Center team is comprised of 27 attorneys and technology professionals who have decades of experience managing complex, large-scale document review and production under tight deadlines.

We have divided supervisory responsibilities among the designated key lawyers on this matter in our New York and Washington, DC offices. We have set up an internal review platform that has been ready to process the Seized Materials since April 23, the date the government had indicated documents might first be made available to us. Our technical and operations teams in New York and Washington, DC have set up designated war rooms for our reviewing attorneys. The systems have been tested and vetted. We have assigned professionals

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in our New York and Washington, DC offices including operations and technology personnel, paralegals, discovery experts, associates, and senior reviewing partners.

On April 18, 2018, the government provided a letter to the Court indicating that it expects to complete the production on or about May 11, 2018. ECF No. 16. On April 19, 2018, the government indicated that it might be able to produce Seized Materials by Monday, April 23, 2018, and requested that we provide the government with a hard drive on which to load the materials. We immediately provided a hard drive to the government and were prepared to receive Seized Materials from the government on April 23. Shortly after the Court issued its most recent order, the government notified us that its first production of Seized Materials would arrive via FedEx on April 25, 2018. We have not yet received that first set of Seized Materials, but we will upload that set to our review platform and begin reviewing immediately upon receipt. The government has not yet informed us of the total volume of the Seized Materials.

## 2. Resources

As referenced above, our firm routinely handles large document reviews. Our Discovery Center staff is standing by to begin the document review. We have also developed a core team of eight key attorneys in New York and Washington who are experienced in managing white collar matters and large document reviews. We can add as many other attorneys as needed. In short, although the government still has not informed us of the volume of materials seized, McDermott has the capacity to expeditiously review any amount of data that the government sends to us. The McDermott team members are willing – and expect – to work around the clock and be devoted to this project, and our advanced discovery technology will be used to its fullest extent to maximize efficiency of the document review process. Our internal Discovery Center's top technical experts are assigned to this matter.

Upon receipt of documents, McDermott will immediately do the following.

First, we will log the Seized Materials as we receive them from the government and immediately upload them to our review platform. Each time we receive such documents, our Discovery Center will review the upload time and analyze whether such uploading can be performed more efficiently.

Second, we will provide the relevant documents to counsel for the Trump Organization and President Donald J. Trump as soon as possible following the receipt of Seized Materials from the government.

In this manner, three sets of attorneys (McDermott and two privilege holders) will simultaneously be working to resolve the privilege issues.

We are confident that we have a sufficient plan in place to review the Seized Materials

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expeditiously and are prepared to devote as many resources as necessary to do so.

**3. Special Master and Privilege Logs**

We continue to believe a Special Master should be appointed. We would provide the Special Master and the U.S. Attorney's Office taint team with privilege logs on a rolling basis. The government taint team can then review the privilege log and decide whether they wish to challenge any document designated as privileged. The government taint team and McDermott will then meet and confer. If the parties do not come to an agreement, the dispute will be resolved by the Special Master, who will be given a copy of the relevant underlying document.

If Mr. Cohen's counsel or the U.S. Attorney's Office seeks to dispute the Special Master's determination, appeals of those determinations could be taken up with the Court in a schedule to be determined by the Court.

Respectfully Submitted,

/s/ Todd Harrison

Todd Harrison

/s/ Stephen Ryan

Stephen Ryan

cc: Counsel of Record